

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

UNITED STATES OF AMERICA

VS.

JOSÉ GUADALUPE RODRIGUEZ-MORALES,

Defendant

NO. 5: 09-CR-63 (CAR)

VIOLATION: Illegal Re-entry

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), consideration was this day made of the government's request for the pretrial detention of defendant **JOSÉ GUADALUPE RODRIGUEZ-MORALES**. Based upon the information proffered to the court by the government and noting particularly that the defendant, represented by legal counsel, **CONSENTS** to pretrial detention, I conclude that the following facts require the detention of the above-named defendant pending trial in this case.

PART I - FINDINGS OF FACT

There is a serious risk that this defendant will not appear for further proceedings should he be released from custody at this time. He is a citizen of Mexico and is in this country illegally, having been previously deported in 2007. A detainer has been placed on him on behalf of Immigration and Customs Enforcement officials of the Department of Homeland Security.

PART II - WRITTEN STATEMENT OF REASONS FOR DETENTION

Applying the factors set forth in 18 U.S.C. §3142(g), I find that the information provided by the U.S. Probation Office and proffered by the government establishes by clear and convincing evidence that no condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the appearance of the defendant or the safety of the community if he were to be released from custody at this time. He has little, if any, ties to the Middle District of Georgia. The charge against this defendant is a serious one for which long-term incarceration may be expected in the event of a conviction or plea of guilty. He has a criminal arrest and/or conviction record which includes AGGRAVATED ASSAULT, State of Delaware, 2003 and FALSE SOCIAL SECURITY CARD, Putnam County, Georgia, 2009. He is charged herein with illegally re-entering the United States in 2009. His status as an illegal alien coupled with the threat of imprisonment mandate pretrial detention.

PART III - DIRECTIONS REGARDING DETENTION

The defendant is hereby committed to the custody of the Attorney General of the United States or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED, this 23rd day of SEPTEMBER, 2009.



A handwritten signature in black ink, appearing to read "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE